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EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/865,660

Applicant(s)

KUSHNIRSKIY, IGOR  
DAVIDOVICH

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1 – 15 are pending in the application.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1 – 15 have been considered but are moot in view of the new ground(s) of rejection.

***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

***Claim Rejections - 35 USC § 101***

4. Claims 1 – 5 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
5. Claims 1 – 5 are directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, issuing, translating and calling can be practiced mentally in conjunctions with pen and paper. The claimed

steps do not define a machine or computer implemented process [see MPEP 2106].

Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented methods" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 2, 6, 7, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent NO. 6,345,315 to Mishra.**

8. As to claim 1, Mishra teaches a method for remote inter-language method calling [data-structure associated with implementation of the physical frame is independent of programming language of the application and, because data is converted into Unicode, if necessary, and represented in literal form at the physical frame 45 for transport, it is protocol- and platform-independent; col. 6, lines 60 - 67] comprising:

issuing a method call [a user 20 asks a request for an operation 42; col. 6, lines 30 – 45] using a first protocol [converting data collected at the requesting agent's logical frame into a literal form language-independent format; col. 4, lines 1 – 13];

translating the method call from the first protocol to an intermediary [Unicode] protocol [the segue component 40 converts the data from Unicode into byte-oriented data and packages it into the appropriate fields of the physical frame 45; col. 6, lines 45 – 60]; and

translating the method call from the intermediary protocol to a second protocol [the segue component 40 always delivers a preformed logical frame 41 to the application 22, 32 after the data is extracted and parsed from the incoming physical frame 45 and has been converted into a logical frame 41 usable by the respective application; col. 7, lines 1 – 16].

9. As to claim 2, Mishra teaches calling a proxy object [segue component 40, Fig. 5; col. 43 – 60].

10. As to claims 6 and 7, these are system claims that correspond to method claims 1 and 2; note the rejections to claims 1 and 2 above, which also meet these system claims.

11. As to claims 11 and 12, these are product claims that correspond to method claims 1 and 2; note the rejections to claims 1 and 2 above, which also meet these product claims.

**12. Claims 1 – 3, 6 – 8, and 11 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent NO. 6,480,901 to Weber.**

13. As claim 1, Webber teaches a method for remote inter-language method calling [a protocol converter for converting communication messages directed from the device management application program to the managed device from the first communication protocol to the second communication protocol; col. 3, lines 1 – 13] comprising:

issuing a method call using a first protocol [first communication protocol is remote procedure call; col. 3, lines 1 – 15];

translating the method call from the first protocol to an intermediary [UTM format] protocol [RPC conversion agent 522 in server 508 converts the RPC commands to the UTM format before communicating with controller 506; col. 12, lines 1 – 54]; and

translating the method call from the intermediary protocol to a second protocol [UTM-to-internal-messaging component 536 preferably converts the UTM packets to packets and commands which can be understood by management protocol 528; col. 12, lines 1 – 54].

14. As to claim 2, Weber teaches calling a proxy object [management interface application 830 preferably initiates a proxy object; col. 17, lines 12 – 54].

15. As to claim 3, Weber teaches the first protocol is selected from the group of Java [RPC conversion agent 522 preferably comprises a thin piece of server 508 resident software preferably written in Java; col. 10, lines 16 – 55], XPCOM and UNO.

16. As to claims 6 – 8, these are system claims that correspond to method claims 1 – 3; note the rejections to claims 1 – 3 above, which also meet these system claims.

17. As to claims 11 – 13, these are product claims that correspond to method claims 1 – 3; note the rejections to claims 1 – 3 above, which also meet these product claims.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 3 – 5, 8 – 10 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishra in view of “A zero generated code XPConnect proposal” (hereinafter Bandhauer).**

20. As to claims 3 and 5, Mishra clearly teaches a desire to provide platform and protocol-independent method requesting between a client and server by converting into a literal form language-independent format and packaging that data in a byte-oriented format [see abstract]. Mishra does not specifically identify the first and second protocols.

21. However, Bandhauer teaches XPConnect glue [intermediary protocol] that enables JavaScript code [first protocol] to call across XPCOM [second protocol] interfaces into C++ objects and also C++ code to call across XPCOM interfaces into JavaScript objects [p.1, Introduction].

22. It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the teaching of providing a XPConnect glue that enables JavaScript code to call across XPCOM interfaces as taught by Bandhauer to the invention of Mishra because this permits software reuse by allowing programs that support newer protocols such as XPCOM to communicate with programs that support older protocols such as JavaScript.

23. As to claim 4, Mishra as modified teaches the intermediary protocol is \*Connect [XPConnect; p. 2, Proxies].

24. As to claims 8 – 10, these are system claims that correspond to method claims 3 – 5; note the rejections to claims 3 – 5 above, which also meet these system claims.



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25. As to claims 13 – 15, these are product claims that correspond to method claims 3 – 5; note the rejections to claims 3 – 5 above, which also meet these product claims.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent NO. 6,594,700 to Graham teaches a system and method for implementing a universal service broker interchange mechanism.

“Proposal for an Open Source Shared Runtime Layer” teaches a shared runtime layer that connects many existing platforms such as Mozilla, Python, Bonobo, Perl, etc.


27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen  
Examiner  
Art Unit 2126

lbz  
April 1, 2004

  
**MENG-AL T. AN**  
**SUPERVISORY PATENT EXAMINER**  
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